



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 13, 2021

From: Jen Kanters, Community Support Specialist

File No: TUP 21-03

Subject: **Application: TUP 21-03; Temporary Use Permit; Municipal ROW adjacent to 2515 Bartley Rd**

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### RECOMMENDATION

**THAT** Council authorize the issuance of a Temporary Use Permit and to enter into a License of Occupation for a ~600m<sup>2</sup> portion of Bartley Road Right of Way and 2515 Bartley Road for the purpose of operating a temporary shelter and associated supportive services subject to the conditions outlined in the attached permit.

### STRATEGIC AREA(S) OF FOCUS

**Foster Safety and Well-being** - We will pursue through direct action, advocacy, and partnerships with Westbank First Nation, with government and local service providers to further advance the health of our community. We will continue to advocate for investments in community health, needs-based housing, emergency preparedness, increased police services, and other community services that foster safety and well-being in West Kelowna.

### BACKGROUND

This application proposes a Temporary Use Permit (TUP) to allow the development of a modular shelter within Municipal Right of Way (ROW) and a portion of the adjacent property (2515 Bartley Road) which is the City's Public Works Yard (the 'shelter site area'). The lands are zoned I4 – Gravel Extraction Zone and RU4 – Rural Residential Large Parcel Zone. The proposed use of Temporary Shelter and Supportive Services is not a permitted use in either zone.

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PROPERTY DETAILS	
<b>Address</b>	Municipal ROW adjacent to 2515 Bartley Road
<b>PID</b>	n/a
<b>Folio</b>	n/a
<b>Lot Size</b>	Temporary Use Area:

<b>Owner</b>	City of West Kelowna	<b>Agent</b>	BC Housing
<b>Current Zoning</b>	I4 – Gravel Extraction; RU4 – Rural Residential Large Parcel	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	INST - Institutional	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Road/Public Works Yard	<b>Proposed Use</b>	Temporary Shelter
<b>Development Permit Areas</b>	None		
<b>Hazards</b>	n/a		
<b>Agricultural Land Reserve</b>	No		

### ADJACENT ZONING & LAND USES

<b>North</b>	^	I4 – Gravel Extraction Zone (Gravel Pit)
<b>East</b>	>	I4 – Gravel Extraction Zone (CWK Public Works)
<b>West</b>	<	RU4 – Rural Residential Large Parcel Zone (Vacant)
<b>South</b>	v	n/a

### NEIGHBOURHOOD MAP



### PROPERTY MAP



## **Legislative Requirements**

### Local Government Act

Section 493 of the *Local Government Act* gives Council the authority to issue a TUP to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three (3) years and may specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three (3) years at the discretion of Council.

### Community Charter

#### *Notice of Intent to Provide Assistance*

In accordance with Sections 24, and 94 of the *Community Charter*, the City of West Kelowna gives notice of its intention to enter into a License of Occupation for a ~600m<sup>2</sup> portion of Bartley Road ROW and 2515 Bartley Road commencing on July 13th, 2021 and terminating on July 13th, 2024 for the purpose of operating a temporary shelter and supportive services at no cost. In accordance with Section 24 of the *Community Charter*, the City gives notice that it will be providing assistance to BC Housing by allowing the area to be used at no cost, which is less than its' market value.

## **DISCUSSION**

### History

#### *Homelessness in West Kelowna*

The City of West Kelowna recognizes that while the responsibility for financing health and social programs rests with senior levels of provincial and federal government, the City supports initiatives designed to meet the needs of all residents in the community, including housing.

In 2018, the Westside Point-in-Time Count Report identified 72 people experiencing homelessness in West Kelowna. The City is addressing identified social issues within the community, including working with BC Housing on a number of projects to provide housing services within West Kelowna, such as the recent Development Permit Council approved for the congregate housing facility on Brown Road (DP 20-22). BC Housing is also working with Westbank First Nation to establish their first social housing facility on Westbank First Nation Land. BC Housing continues to collaborate with the City and with Westbank First Nation to provide an integrated approach to address the long-overdue social housing needs on the Westside.

Staff are also initiating an updated report to follow up on the data and needs assessment from the 2018 report, which is anticipated to be completed in the Fall of 2021. At that time, staff will provide Council with an update reflecting the short and long-term needs identified for the Westside along with recommended actions.

## Proposal

BC Housing has been working with the City of West Kelowna to find a suitable location within the City for the installation of a temporary modular shelter in the short term as they also begin to address the longer-term social housing needs that the City has been advocating for. It is important to recognize that BC Housing is beginning to invest in long-term supportive and transitional housing in the City of West Kelowna. BC Housing continues to work with City staff to provide permanent social housing in the City of West Kelowna.

The proposal is to allow a Temporary Shelter and Associated Supportive Services within a modular shelter for a period of up to three years. The area identified for this temporary shelter is within the municipal road ROW adjacent to 2515 Bartley Road and includes a small portion of land within the subject property (the 'shelter site area'). BC Housing will fund the project and the shelter will be operated by Turning Points Collaborative Society (Turning Points). BC Housing has provided a proposal summary and project outline (Attachment 2).

A modular facility is proposed to be relocated onto the shelter site area which will include 40 shelter residential units providing shelter for up to 40 residents experiencing homelessness, office space, kitchen, laundry, storage, and amenity spaces/meeting. This site will have a kitchen to provide meals three times per day as well as meeting and amenity spaces where guests could privately meet with case workers, Interior Health staff and community housing partners.

This temporary shelter is anticipated to be required for a period of up to three years, or until the site is no longer required. As the proposed temporary shelter is modular, the buildings will be removed and the site returned to its previous condition at the end of the TUP period.

## Rationale & Community Need

The need for temporary and permanent social housing in West Kelowna remains high and will continue to increase with continued growth in West Kelowna and across the Westside. This temporary shelter will provide a safe and secure residence for people experiencing homelessness in West Kelowna and will replace the current shelter operating at West Kelowna United Church, as this property has recently sold and operations are unable to continue on this site. Without other funded shelter options for these West Kelowna residents, there will be 38 individuals who will have to seek shelter outdoors. This means that many individuals will go without seeing their daily supports and care team, currently operating out of and visiting Brown Road effective August 1<sup>st</sup>, 2021.

## Location and Site Selection

Available land in West Kelowna remains a challenge to establish the most optimum location for temporary housing as evident with the temporary winter shelter on Stevens Road last year. The shelter site area is owned by the City of West Kelowna and a portion of the area is used as the City's Public Works department for storage and operations, and is also subject to gravel extraction activities in preparation for the future public works

facility. The portion of the Bartley Road ROW that was identified for use for a temporary shelter site area is effectively an unused road end,

As with all land decisions, location is a critical consideration in identifying an appropriate site for a shelter, and to follow best practice in site selection, a variety of factors must be evaluated, however, these must be weighed against other factors such as land availability and community need. With limited City-owned land options available in West Kelowna, a temporary location such as this will include staff, BC Housing and Turning Points to work together to anticipate, prevent and manage the effects of balancing the support to those who are experiencing homelessness with limited land availability.

#### *Neighbourhood Amenities*

Projects are typically sited in neighbourhoods that have key residential amenities, such as grocery stores, public libraries, banks, parks, open space and recreational facilities. This usually means siting shelters in traditional residential neighbourhoods, and not in commercial, manufacturing or warehousing districts that typically lack such amenities; however, this shelter site is in close proximity to a transit stop in order to access these type of amenities.

There is a transit stop located just under 200 m from the proposed shelter site on the South West Corner of the Shannon Lake Rd/Bartley Rd intersection. The transit stop will provide an option for guests to travel to and from the shelter site and around the community to access other services and amenities. Those who are staying at this shelter will have access to bus tickets, as well as access to staff who can offer support to obtain a bus pass through the Ministry of Social Development and Poverty Reduction.

#### *Community- Based Services*

It is critical that shelter users have easy access to supportive services available in the community, especially to service programs with which formal linkages have been established. Services related to substance use and recovery, case management, crisis intervention, and health clinics may be needed by guests on an ongoing or intermittent basis. Most of these specific needs of residents can be met through the on-site supports provided by Turning Points.

#### *Design for Accessibility*

All emergency shelters must be accessible to those with mobility impairments, therefore; parking lots, sidewalks, stairs and ramps must be easily usable by people with reduced mobility and impaired vision. Within the plans for the shelter site, ramps and asphalt parking lots are included to accommodate the needs that the shelter guests and staff may have, however, there is limited pedestrian infrastructure in the area.

It is important to highlight that as part of the construction of the Bartley Road Roundabout, additional sidewalk connectivity will be provided to the Westlake Road intersection (to the east) and McDougall Bridge (to the west). It has not yet been determined if sidewalks will be installed to the south of the roundabout.

### *Construction of Bartley/Stevens/Shannon Lake Rd Intersection*

As part of the City of West Kelowna's capital construction project, not associated with the Shelter project, the City will be beginning construction of a roundabout at this intersection, which is within close proximity to the proposed site. Construction is expected to begin this summer. Construction activities will create disruptions from time to time and effect access to the intersection. The construction of the shelter project will require close coordination with the construction of the roundabout, as mobilization and installation takes place of the modular shelter.

### *Active Gravel Extraction Activities*

There are plans to resume gravel extraction activities in close proximity to the proposed shelter site. It should also be noted that there is active gravel extraction occurring on a neighbouring site to the north (Emil Anderson Construction). Safety precautions are being evaluated and discussed with BC Housing and the operators of the gravel extraction activities to ensure that there are adequate safeguards in place to deter entry into the neighbouring gravel pit. Best practices to mitigate impact on shelter guests and staff will be considered and recommended.

### Policy & Bylaw Review

#### *Official Community Plan*

The City's Official Community Plan includes social sustainability policies and objectives to create a healthy community. The affordable housing policies encourage fostering and supporting partnerships with BC Housing in the development of affordable housing within the community. Temporary shelter space is required to support residents within the community who are experiencing homelessness.

The City's Official Community Plan outlines policies regarding TUPs, and those guidelines have been touched on throughout this report.

#### *Community Vision*

On February 23, 2021, Council endorsed the OurWK Community Vision. This report was based on over 6,500 distinct inputs from the residents of the City. Of the 21 Key Directions, "Creating a healthy community that supports healthy individuals (Affordable and Diverse Housing)" was identified.

#### *Strategic Priorities*

In the adopted 2021-2022 Strategic Priorities of Council, Foster Safety and Well-being remains a pillar to move forward with. Specifically, this project would align with: facilities, services and partnerships with non-profit groups and others to build the community's supply of affordable and attainable housing types, and to reduce homelessness.



## Zoning Bylaw

The City's Zoning Bylaw does not permit Temporary Shelter and Supportive Services within the I4 – Gravel Extraction or RU4 - Rural Residential Large Parcel Zones. This use is only permitted within the C1 – Urban Centre Commercial Zone.

## Site Operations

This modular shelter design will provide additional safety measures and privacy for shelter guests and staff compared to the Brown Road facility. The shelter will not be a large open space; shelter guests will have their own space with a bed. This can both help from a safety perspective given the current COVID-19 pandemic and give them their own space which can help guests progress to the next stage of housing.

This site will follow the Public Health guidelines and every effort is made to protect the safety of the people experiencing homelessness, support staff, and members of the surrounding community.

Turning Points has a full time 24/7 staffing team that includes a social worker, in addition to providing a place for connection between shelter guests and community support services. Shelter guests receive ongoing support with medication administration, meals, washrooms and hygiene services, storage for belongings, wellness checks and overdose response. Without a shelter, they will no longer have a consistent space to receive these necessary and crucial supports.

## Community Engagement

### *BC Housing & Turning Points*

BC Housing has actively been working with Turning Points to communicate information regarding the proposed shelter site to neighborhood associations, nearby businesses and residences. Letters were sent out or delivered to neighbouring properties in early June, 2021 to provide an introduction to the proposal as well as contact information to answer questions or address concerns.

If the TUP is approved, BC Housing and Turning Points will create a Community Advisory Committee, to ensure there is a mechanism for addressing questions and concerns as operation of the shelter occurs within this community.

Further, BC Housing is working with City staff to ensure their information is provided internally to staff so questions can easily be addressed by the appropriate organization, and externally throughout the community using the City's information channels.

### *Neighbouring Business Operators*

As part of the application processing, meetings have been held with neighbouring business owners including Bylands Nurseries Ltd., Interior Health (Brookhaven), and Emil Anderson Construction. These meetings were an opportunity for the City to share information regarding the proposal and discuss the potential impacts to the adjacent sites.

All three neighbouring operators have provided letters which acknowledge the ongoing, collaborative relationship that will be required to ensure the proposal is successful (Attachments 5-7). The letters also outline concerns about the location in regards to ongoing construction activities, as well as safety and general wellbeing for both shelter guests and employees. (Attachments 5-7).

### *Shelter Guest Engagement*

The guests who are currently staying at the Brown Rd. shelter have been engaged in conversation with Turning Points staff around relocation of the shelter to the Bartley Rd. site. All guests have indicated that they will relocate as there are no other shelter services available.

### Public Notification:

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0131. Additionally, a mail out was sent to all property owners (Attachment 5) and their tenants within 100 meters of the subject property (8 letters total) and an advertisement will be placed in the local newspaper on June 30, 2021 and July 7, 2021. The newspaper notifications were used to meet the requirements for the Temporary Use Permit under the *Local Government Act* as well as the *Community Charter* Notification for the License of Occupation.

In addition to the legislative requirements, BC Housing also completed additional consultation activities and prepared frequently asked question materials, and a fact sheet for the proposal (Attachments 6 and 9).

At time of writing this report, no correspondence has been received as part of the consultation period. Despite this, there has been concern cited from members of the public regarding the proposed location not being suitable for various reasons. The most common concerns have been related to the health and wellbeing of the residents of the shelter, access to amenities outside the general proximity to the site and proximity to the Crystal Springs mobile home park (Figure 1.)



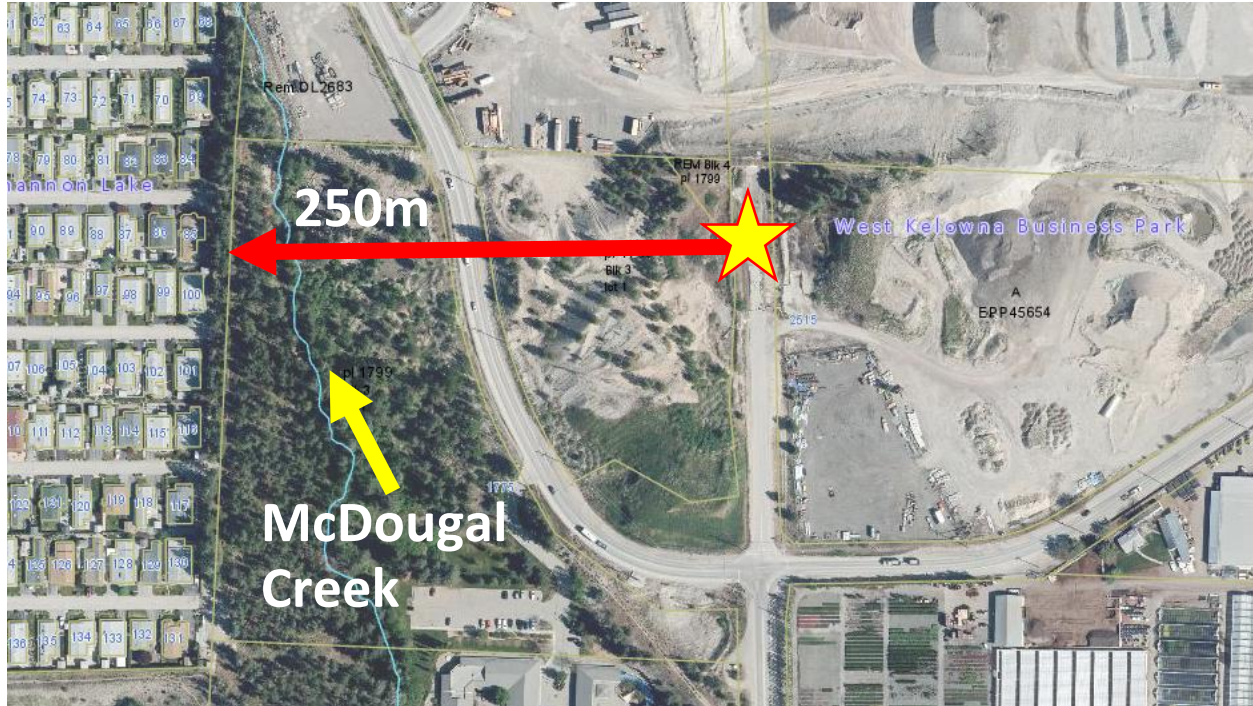


Figure 1. Proximity to Crystal Springs

## Referral Responses

### *Advisory Planning Commission*

The City's APC considered the application at their June 17<sup>th</sup>, 2021 meeting. Discussion points included:

- Concerns with the access to transportation;
- Encouraging the City and BC Housing to work together to find a long-term solution;
- That the urgency of the current situation is what is driving the support for this particular application; and
- Concern with the adjacent construction activity and ensuring that mitigation measures are considered.

The APC passed the following resolution:

**THAT** the APC recommend support for file TUP 21-03, Temporary Use Permit Application, for a portion of municipal Bartley Road ROW and 2515 Bartley Road as presented.

### *RDCO Crime Prevention*

The application was referred to the Crime Prevention Officer who specializes in completing Crime Prevention Through Environmental Design (CPTED) evaluations for businesses. The Crime Prevention Officer indicated that they will actively monitor the area and visit the adjacent businesses and facilities.

### *Bylaw Compliance and RCMP*

The City's Bylaw Compliance Department evaluated the application and provided comments regarding the impact of the previous shelter site on Stevens Road. During the brief operational period on Stevens Road, the previous shelter did not require any significant resources from the City's Bylaw Compliance Department.

The RCMP were also consulted as part of this application. RCMP staff commented on the previous Stevens Road shelter site. The RCMP indicated that with the site being previously vacant, there were no previous calls to the subject property but were in the general vicinity. Once the shelter began to operate there were calls related to the Stevens Road property and an increase in the general vicinity to the property.

### *Interior Health*

Brookhaven Care Centre has been engaged throughout this process. BC Housing and city staff are in ongoing consultation with Interior Health regarding mitigation efforts for the surrounding construction activities.

## **FINANCIAL IMPLICATIONS**

BC Housing will fund the project and the shelter will be operated by Turning Points. Site Servicing of sewer will take place as part of a capital project for the City's future public works yard and is happening separately from the shelter project. It is not anticipated that the City will be required to fund any aspects of the proposed shelter.

## **CONCLUSION**

The proposed shelter site is a temporary solution to a broader issue that the City, the Central Okanagan and Province of BC is facing. Our residents that are experiencing homelessness have an immediate and identified need for housing in their community and the proposed modular shelter and support services is the only identified solution. The City has taken steps to advance our position of meeting the needs of all our residents in recent years and we will continue to work with our community partners, BC Housing, and Westbank First Nation to find long-term solutions.

## **ALTERNATE MOTION**

**THAT** Council postpone consideration for the Temporary Use Permit (TUP 20-04) application at 2515 Bartley Road.

Should Council postpone consideration of the temporary use permit application, direction to staff is required.

**REVIEWED BY**

Chris Oliver, Senior Planner

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Allen Fillion, Acting CAO

Powerpoint: Yes  No

Attachments:

1. Draft Temporary Use Permit
2. BC Housing Proposal Summary
3. Letter from Emil Anderson Construction
4. Letter from Byland Nurseries Ltd.
5. BC Housing FAQs
6. BC Housing Facts Sheet
7. Bartley Powerpoint Presentation
8. Submissions as of July 9, 2021